

ORIGINAL

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ORDINANCE NO. 209

AN ORDINANCE OF THE CITY OF PINEHURST, SHOSHONE COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, ESTABLISHING ZONING FOR CERTAIN REAL PROPERTY TO BE ANNEXED INTO THE CITY OF PINEHURST, AMENDING THE CITY'S COMPREHENSIVE PLAN AND THE ADOPTION AND PASSAGE OF AN ORDINANCE FOR ANNEXATION, AND FOR THE REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING AN EFFECTIVE DATE FOR THE PROVISIONS OF THIS ORDINANCE.

BE IT HEREBY ORDAINED by the Mayor and City Council, of the City of Pinehurst, Shoshone County, Idaho:

The City Council held a public hearing on the establishment of zoning for the proposed annexed property. At this hearing the City Council made certain Findings of Fact, Conclusions of Law and Order, which were made a part of the official record of the City.

The property annexed to the City of Pinehurst is more particularly described in what has been marked as Exhibits "A" and "B", which are attached hereto and incorporated herewith as if fully set forth herein.

All of the property described in Exhibits "A" and "B", are contiguous or adjacent to the City of Pinehurst.

All parcels involved in the annexation are platted and contain less than (5) acres each.

The annexed real property shall be zoned commercial.

The City's Comprehensive Plan shall be amended to include the annexed property, where necessary, to conform with the City's Annexation Plan provided for this purpose.

It is in the best interests of the City's growth and development and the health, safety and welfare of its citizens and the property owners of the property described herein for the property to be annexed into the City of Pinehurst.

Said annexation will promote the orderly growth and development of the City.

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The record owners of the property to be annexed have consented unanimously in writing to the annexation of their real property into the City and the terms of their petition for annexation are intended to be incorporated herewith as if fully set forth herein.

All legal procedures required by Idaho law; specifically including, but not limited to I.C. 50-222 have been satisfied prior to the property being annexed.

NOW THEREFORE, IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Pinehurst, Idaho, that the real property listed in Exhibits "A" and "B", attached hereto be and hereby are ANNEXED into the City of Pinehurst, Shoshone County, Idaho.

IT IS FURTHER ORDAINED that pursuant to the annexation the real property shall be zoned commercial.

IT IS FURTHER ORDAINED that the Comprehensive Plan for the City of Pinehurst be and hereby is amended where necessary to achieve the purposes set forth herein to include the newly annexed real property.

FINALLY, IT IS FURTHER ORDAINED that the City Clerk is ordered to file a certified copy of this Ordinance with the Shoshone County Recorder and the Idaho State Tax Commission, and by doing so said real property described herein shall be declared to be a part of the City of Pinehurst, Shoshone County, Idaho.

If any part of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this Ordinance which shall remain in full force and effect. To this end the provisions of this ordinance shall be severable.

This Ordinance shall take effect and be in full force upon its passage, approval and publication.

The provisions of this Ordinance shall supersede similar terms and ordinances and does hereby repeal all other ordinances in conflict herewith.


Passed under suspension of the rules upon which a roll call vote was duly taken and enacted as an Ordinance of the

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City of Pinehurst, Shoshone County, Idaho, at a special
meeting of the City Council held on the 11 day of
October, 2011.

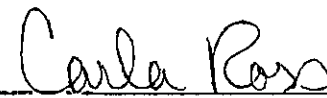
CITY OF PINEHURST
Shoshone County, Idaho

By:


HONORABLE JAY HUBER
Mayor

* * * * *

ATTESTED TO BY:


CARLA ROSS
City Clerk

APPROVED AS TO FORM:


HOLLIS J. ANDERSON
City Attorney

* * * * *

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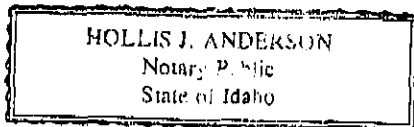
STATE OF IDAHO)
) ss.
County of Shoshone)

CARLA ROSS, being first duly sworn, deposes and says:

I am the City Clerk for the City of Pinehurst, Idaho.

I have read the foregoing Ordinance, know the contents thereof and know the same to be a full, true and correct copy of the Ordinance unanimously approved and passed at the special meeting of the Pinehurst City Council on the 11 day of October, 2011.

SUBSCRIBED AND SWORN to before me this 11th day of October, 2011.



MY COMMISSION EXPIRES
December 18, 2012
~~BONDED~~ ~~THE~~ NOTARY PUBLIC UNDERWRITERS
* * * * *

Hollis J Anderson
Notary Public for Idaho
Residing at: Wallace, Idaho
Commission expires: 12/18/12

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EXHIBIT A
Legal Description

Tract 1 Valley Building Short Plat, S.P. 006-88 recorded as Instrument No. 334468, records of Shoshone County, State of Idaho and more particularly described as follows:

Being a tract of land situated in the Southeast Quarter of Section 32, Township 49 North, Range 2 East, B.M., and also lying in the Northeast Quarter of Section 5, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho and being more particularly described as follows:

Using the official City of Pinehurst survey coordinates and meridian (identical with modified Idaho State survey coordinates, C.A.F. 0001652) and beginning at Corner No. 1 (North 2,143,259.96 feet, East 382,373.19 feet) a drill steel monument identical with a corner of the Roger Ferguson tract from whence the common corner of Sections 4 and 5, Township 48 North, Range 2 East, B.M., and Sections 32 and 33, Township 49 North, Range 2 East, B.M., Shoshone County bears South 89°40'03" East, 1,264.35 feet distant and from whence also U.S.C & G.S. survey monument "Pine" bears North 48°56'56" East, 1,170.22 feet distant; thence

South 25°51'11" West, 218.40 feet distant to Corner No. 2, a drill steel monument common with corners of the Shiplett and Ferguson tracts; thence

North 58°57'55" West, 203.36 feet distant to Corner No. 3, a point on the Easterly right of way boundary of the Pine Creek Highway, (also known as Division Street;) thence

North 31°45'50" East, along said right of way boundary, 217.39 feet distant to Corner No. 4; thence

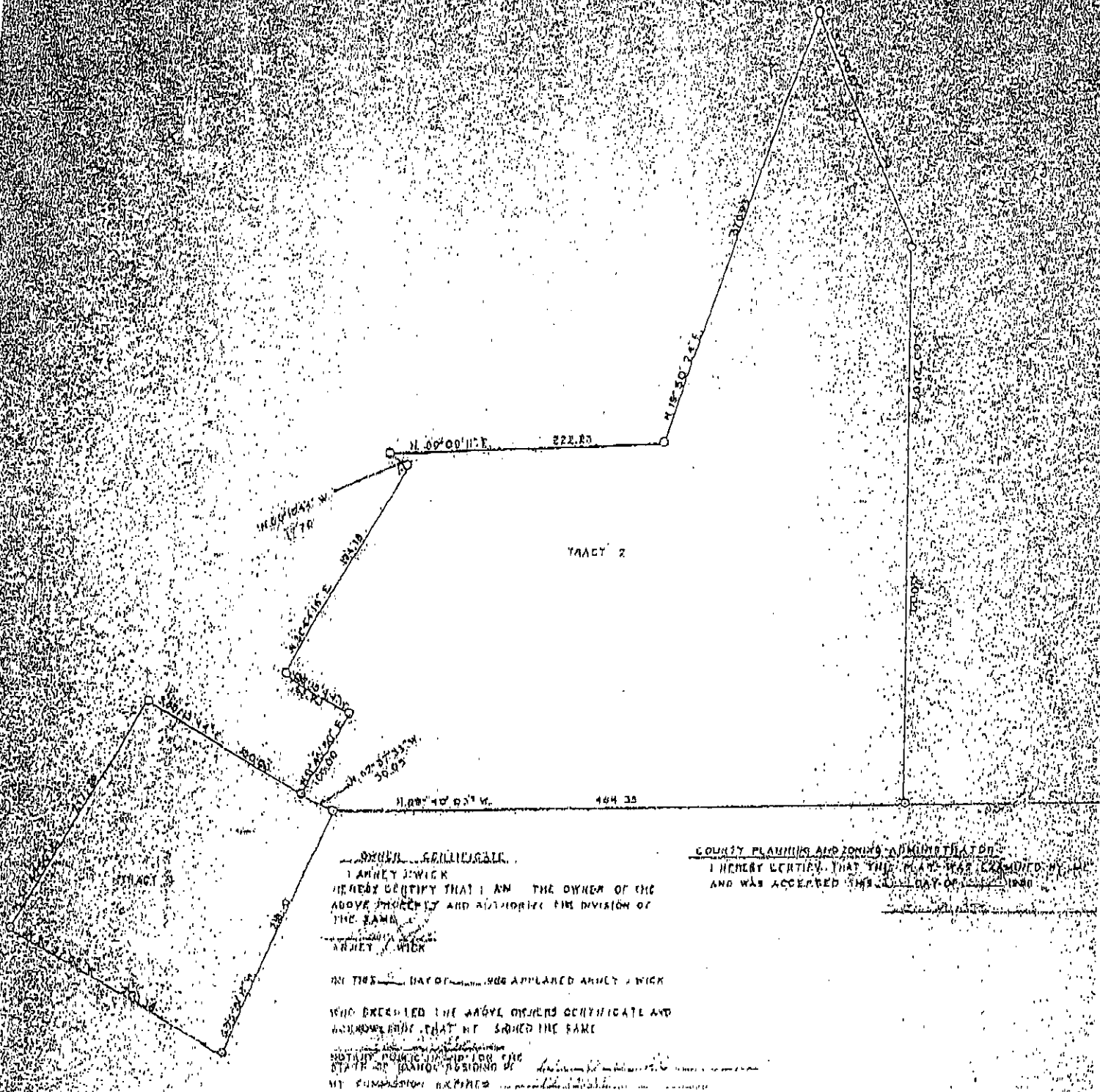
South 58°15'44" East, 150.00 feet distant to Corner No. 5, identical with Corner No. 2 of the house tract; thence

South 62°37'33" East, 30.95 feet to the point of beginning.



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NE 1/4 SEC 5 T49 N R2 E BM
SE 1/4 SEC 32 T49 N R2 E BM



EXHIBIT

"B"

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Instrument # 464739

WALLACE, SHOSHONE COUNTY, IDAHO

11-1-2011 02:46:00 No. of Pages: 7

Recorded for : HOLLIS ANDERSON, ATTY AT LAW

PEGGY DELANGE-WHITE Fee: 28.00

Ex-Officio Recorder Deputy

Index to: ORDINANCE

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